

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known as
THE ROYAL BANK OF SCOTLAND, N.V.),

Defendant.

Adv. Pro. No. 11-02760 (SMB)

**STIPULATION SUPPLEMENTING RECORD ON
APPEAL PURSUANT TO FED. R. BANKR. P. 8009(e)**

Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, individually, and defendant ABN AMRO Bank N.V. (presently known as The Royal Bank of Scotland, N.V.) (“ABN/RBS”, together with the Trustee, the “Parties”), by and through their undersigned hereby stipulate and agree to the following:

WHEREAS, on November 22, 2016, the Bankruptcy Court issued a Memorandum Decision Regarding Claims to Recover Foreign Subsequent Transfers (the “Memorandum Decision”). *Securities Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, Adv. Pro. No. 08-01789 (SMB), ECF No. 14495;

WHEREAS, on March 3, 2017, the Bankruptcy Court entered the Stipulated Final Order Granting Motion to Dismiss Complaint. *Picard v. ABN AMRO Bank N.V.*, Adv. Pro. No. 11-02760 (SMB), ECF No. 74;

WHEREAS, on March 14, 2017, the Trustee filed a Notice of Appeal. *Id.* ECF No. 75;

WHEREAS, on March 14, 2017 the Trustee filed the Trustee’s Request for Certification of Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit Pursuant to 28 U.S.C. § 158(d)(2) and Fed. R. Bankr. P. 8006(f) (the “Certification Motion”) and accompanying memorandum of law in support of the Certification Motion. *Id.* ECF Nos. 77, 78;

WHEREAS, on March 27, 2017, the Trustee filed the Trustee’s Statement of Issues to Be Presented and Designation of Items to be Included in the Record on Appeal. *Id.* ECF No. 81;

WHEREAS, on March 28, 2017, ABN/RBS filed the Memorandum of Law in Opposition to the Certification Motion. *Id.* ECF No. 83;

WHEREAS, on March 29, 2017, the Bankruptcy Court held a hearing on the Trustee’s Certification Motion (the “Certification Hearing”);

WHEREAS, on April 10, 2017, ABN/RBS filed the Counter-Statement of the Issue to be Presented on Appeal and Counter-Designation of An Additional Item To Be Included in the Record on Appeal. *Id.* ECF No. 84;

WHEREAS, the Parties hereby agree and stipulate pursuant to Fed. R. Bankr. P. 8009(e)(2)(A) that the transcript of the Certification Hearing should be included in the record on appeal. (ECF No. Pending).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, that:

1. The Parties designate for inclusion in the record on appeal the transcript of the Certification Hearing.

Dated: April 12, 2017
New York, New York

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SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
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